

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 166 of 2001

with

CIVIL APPLICATION No 5308 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

VINABEN BHARATKUMAR VYAS

Versus

PRAHLADRAI LALLUBHAI VYAS

Appearance:

1. Appeal from Order No. 166 of 2001
MR SURESH M SHAH for Appellant No.
MR MEHUL S SHAH for Appellant No.
MR PK JANI for Respondent No. 1-3
RULE SERVED for Respondent No. 4
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 19/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order against the order dated 31/05/2000 passed below application exh.5 by the learned 2nd Jt. Civil Judge (S.D.), Bhavnagar in Regular Civil Suit No.102 of 1999.

2. By order dated 03/10/2001 passed in Civil Application No.5308 of 2001 this Court had confirmed the ad-interim relief granted earlier, whereby pending the appeal, respondents no.1, 2 and 3 were directed to maintain status quo as regards the suit property. Now, as status quo is operating since 2001, it would be appropriate to direct the parties to maintain status quo till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Regular Civil Suit No.102 of 1999 pending before the Court of the learned 2nd Jt. Civil Judge (S.D.), Bhavnagar as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ forthwith.

CIVIL APPLICATION No 5308 of 2001

In view of the order passed in the appeal from order no orders are necessary in this civil application. Hence, it stands disposed of. Rule is made absolute accordingly.

[K. S. JHAVERI, J.]
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